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November 22, 1997

Richard Woodard
CALFED Bay-Delta Program
Water Quality Technical Group
1416 Ninth Street; Suite 1155
Sacramento, CA 95814

Dear Rick:

Following up on the October 1, 1997 CALFED Water Quality Program meeting, I have prepared comments on the items which were passed out at this meeting addressing specific water quality technical problem areas that continue to occur in CALFED WQP development. As indicated in the attached comments, there continues to be significant problems with the materials developed in the Water Quality Program concerning chemical constituent criteria and proper assessment of water quality. It appears that against the recommendations of a number of individuals knowledgeable in the topic area, the CALFED Water Quality Program is persisting with its specific chemical concentration approach in which some value, such as the California Toxics Rule criterion will be used as the goal for formulating CALFED chemical constituent management programs. As I and others have repeatedly pointed out, this approach is technically invalid and can readily result in massive waste of public funds related to the overly-protective nature of US EPA water quality criteria, including the California Toxics Rule criteria.

At the end of the October 1, 1997 meeting, in response to a question that I asked with regard to how mercury is going to be addressed in CALFED, your response was that it would be addressed through the Monitoring Program in order to define the water quality problem caused by mercury. While you did not elaborate on this matter, this was the most encouraging thing that I have heard out of the CALFED Water Quality Program since I became aware of this Program last January. CALFED should adopt the approach of first defining what real water quality use impairments are occurring in the Delta and its tributaries that affect Delta resources through a proper monitoring/evaluation program. As has been repeatedly pointed out to CALFED management, there is an inadequate database at this time to begin to reliably formulate a water quality management program for the Delta focusing on chemical constituents.

Previously I brought to your attention several papers and reports on Evaluation Monitoring as an alternative to conventional monitoring. I presented an overview paper on this topic at the Society for Environmental Toxicology and Chemistry national meeting that was held this past week in San Francisco. Enclosed is a copy of the slides that I used in connection with that presentation. They summarize the key reasons why conventional monitoring is not adequate to define water quality problems and discuss why receiving water impact (Evaluation Monitoring) should be the focus of monitoring resources.

As in the past, I would be happy to meet with CALFED staff to discuss these issues and to work with them focusing the resources available on first defining real water quality problems in the Delta due to chemical constituents and then formulating technically valid, cost-effective approaches for their management.

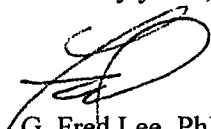
Periodically I have made comments on the problems that I saw with the approach that is being use by CALFED in formulating the urban and industrial stormwater runoff management program. In general I have pointed out that those who have formulated this program have not been active participants in the California Stormwater Quality Task Force, or if they have been involved they are ignoring the substantial information that exists on why a program of the type that CALFED proposed in December, 1996 is technically invalid and could readily result in massive public expenditures with limited or no water quality improvement. In connection with this situation I wish to bring to your attention a copy of my comments on the US EPA proposed California Toxics Rule criteria. I also wish to bring to your attention some comments that I have developed on a temporary waiver approach similar to that adopted in the state of Maine which would exempt urban area and highway stormwater dischargers from having to meet water quality objectives in stormwater runoff during wet weather flow conditions.

At the November 17, 1997 Water Resources Control Board hearing devoted to the implementation of the California Toxics Rule, I introduced the temporary waiver from having to meet water quality standards wet weather flow approach to the State Board. They and others seemed to be interested. It provides an approach which would eliminate the ultimate need for urban area and highway stormwater discharges to have to meet water quality standards in the receiving waters for the discharge. In exchange for this waiver as formulated by me, these discharges would have to demonstrate on a site-specific basis that the exceedances of water quality standards/objectives associated with their discharge, do not represent real water quality use impairments. I will be finalizing this draft temporary waiver in connection with submitting my comments of the WRCB's proposed approach for implementing the California Toxics Rule, by the December 10, 1997 deadline. If you or others in CALFED have comments on the proposed temporary waiver approach, please contact me.

At this time there is considerable confusion as to what is the current CALFED urban and industrial stormwater runoff water quality management program. I hope CALFED is not continuing the approach that it initially formulated in December, 1996 for development and implementation of this program. If it is, it will meet with substantial justified opposition based on its lack of technical validity and gross over-regulation. I suggest that it would be appropriate for CALFED to inform those interested what is the nature of its urban area and industrial stormwater runoff water quality management program.

If you or others in CALFED have questions on the enclosed materials, please contact me.

Sincerely yours,



G. Fred Lee, PhD, DEE

Copy to: L. Snow
J. Heath
L. Winternitz

GFL:jlc
Enclosure